

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

ARSENIO CLAYTON,

Defendant.

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Case No. 2:22-cr-20262-JTF-tmp

**ORDER ADOPTING THE CHIEF MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION AND DENYING DEFENDANT’S
MOTION TO SUPPRESS**

Before the Court is Defendant's Motion to Suppress filed on October 27, 2023. (ECF No. 22.) The Government filed a Response on November 13, 2023. (ECF No. 23.) The Motion was referred to the Chief Magistrate Judge on November 21, 2023. (ECF No. 24.) The Chief Magistrate Judge entered his Report and Recommendation on Defendant's Motion to Suppress ("R & R"), on March 15, 2024. (ECF No. 33.) Neither party filed objections to the R & R. For the following reasons, the R & R is **ADOPTED**, and the Motion to Suppress is **DENIED**.

I. FINDINGS OF FACT

In his Report and Recommendation, the Chief Magistrate Judge set forth proposed findings of fact. (ECF No. 33, 1–5.) This Court adopts and incorporates those proposed findings of fact.

II. LEGAL STANDARD

Congress passed 28 U.S.C. § 636(b) “to relieve some of the burden on the federal courts by permitting the assignment of certain district court duties to magistrates.” *United States v. Curtis*,

237 F.3d 598, 602 (6th Cir. 2001). Pursuant to the provision, magistrate judges may hear and determine any pretrial matter pending before the Court, except various dispositive motions. 28 U.S.C. § 636(b)(1)(A). Regarding those excepted dispositive motions, magistrate judges may still hear and submit to the district court proposed findings of fact and recommendations for disposition. 28 U.S.C. § 636(b)(1)(B). Upon hearing a pending matter, “[T]he magistrate judge must enter a recommended disposition, including, if appropriate, proposed findings of fact.” Fed. R. Civ. P. 72(b)(1); *see also Baker v. Peterson*, 67 F. App’x 308, 310 (6th Cir. 2003). Any party who disagrees with a magistrate’s proposed findings and recommendation may file written objections to the report and recommendation. Fed. R. Civ. P. 72(b)(2).

The standard of review that is applied by the district court depends on the nature of the matter considered by the magistrate judge. *See Baker*, 67 F. App’x at 310 (citations omitted). Motions to suppress evidence are among the motions in criminal cases that are subject to *de novo* review. *See* 28 U.S.C. § 636 (b)(1)(A); *U.S. Fid. & Guarantee Co. v. Thomas Solvent Co.*, 955 F.2d 1085, 1088 (6th Cir. 1992). Upon review, the district court may accept, reject, or modify the proposed findings or recommendations of the magistrate judge. *Brown v. Board of Educ.*, 47 F. Supp. 3d 665, 674 (W.D. Tenn. 2014); *see also* 28 U.S.C. § 636(b)(1). The court “may also receive further evidence or recommit the matter to the [m]agistrate [j]udge with instructions.” *Moses v. Gardner*, No. 2:14-cv-2706-SHL-dkv, 2015 U.S. Dist. LEXIS 29701, at *3 (W.D. Tenn. Mar. 11, 2015). A district judge should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. *Brown*, 47 F. Supp. 3d at 674.

ANALYSIS

Usually, a district court must review motions to suppress under the *de novo* standard. However, a district court is not required to review “a magistrate’s factual or legal conclusions,

under a *de novo* or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In this case, neither Party filed objections.

The Court has reviewed the record in this case and conducted a *de novo* review of the Chief Magistrate Judge’s Report and Recommendation. (ECF No. 33.) As noted above, neither party filed any objections to the Report and Recommendation, and the time to do so has expired. Therefore, after a full review of the Report and Recommendation, the Court adopts the Chief Magistrate Judge’s recommendation that Defendant’s Motion to Suppress be **DENIED**.

III. CONCLUSION

Upon *de novo* review, the Court hereby **ADOPTS** the Chief Magistrate Judge’s Report and Recommendation and **DENIES** Defendant’s Motion to Suppress.

IT IS SO ORDERED this 14th day of May 2024.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
United States District Judge